

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17756 of 2004

Between:

P. Subbarami Reddy S/o. Subba Reddy
Govt Junior College for boys, Jammalamadugu, Kadapa District.

... PETITIONER

AND

- 1 The Govt of A.P., rep. by its Principle Secretary,
Higher Education Department, Secretariat, Building Hyd.
- 2 The Director of Intermediate Education, Nampally, Hyderabad.
- 3 The Junior Govt College for Boys, Jammalamadugu, Kadapa District.
rep. by its Principal.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or order more especially one in the nature of writ of certiorari call for records pertaining to notification dated 28.9.2004 issued by the 3rd respondent and quash the same as illegal, arbitrary, capricious and violates the instructions issued under memo no. 2946/IE=I/2004-2 Dated 10.9.2004 and violates the G.O.Rt.No.143 Higher Education dated 9.10.2000 and consequentially suspend the operation of notification dated 28.9.2004 issued by the third respondent and pass.

Counsel for the Petitioner: MR.RAVI SHANKAR JANDHYALA

Counsel for the Respondents: GP FOR HIGHER EDUCATION

The Court made the following order:

ORDER:

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The petitioner worked as a Junior Lecturer on contract basis from 20.11.2000 to 11.06.2004. He was paid salary as per G.O.Ms.No.143 Higher Education [IE-II] Department dated 09.10.2000. As per the G.O. the contract engagement shall be for a period of 10 months from July to 31st March of the succeeding year. The Government of Andhra Pradesh have reviewed the necessity of engaging the faculty on contract basis for the academic year 2004-2005 and issued orders in Memo.No.2946 [IE-I] 2004-1 dated 03.09.2004 for engaging contract faculty for the academic year 2004-2005. The memo has been communicated to all concerned, prescribing the procedure for engaging the contract faculty in Government junior colleges for the academic year 2004-2005. Subsequently, the first respondent issued further instructions in Memo.No.2946/IE.1/2004-2 dated 10.09.2004 in continuation of earlier instructions issued by the Government on 03.09.2004. According to which the contract faculty who worked in the same faculty in the preceding year and applied for the post in the same institution will become eligible for entering into fresh contract agreement for the current academic year without interview.

The contention of the petitioner is that the third respondent issued a notification

inviting applications from eligible candidates for one post of Junior Lecturer in Telugu Department and two posts of Junior Lecturers in Botany Department. The last date for the receipt of applications was mentioned as 04.10.2004, interviews will be conducted on 05.10.2004 and signing of contract agreement by the Principal on 06.10.2004. The petitioner further contends that the action of the third respondent in calling the petitioner for interview who worked in the previous academic year as Junior Lecturer in Botany is against the instructions issued by the Government through Memo.No.2946/IE-1/2004-2 dated 10.09.2004. Therefore, the petitioner approached this Court to quash the notification issued by the third respondent on 28.09.2004 as illegal, arbitrary and violation of the instructions issued by the Government through Memo dated 10.09.2004, which is in force.

The third respondent being the subordinate is expected to follow the instructions issued by the Government in the said memo. The Memo clearly mandates that in respect of the contract faculty who have worked in the previous year and applied for the same post in the same institution shall be engaged by entering into a fresh contract agreement for the current academic year without interview.

In the light of the instructions issued by the Government through Memo dated 10.09.2004 the impugned notification dated 28.09.2004 issued by the third respondent is liable to be set aside to the extent of calling the petitioner for interview for the purpose of Contract Junior Lecturer in Botany, which post was held by the petitioner during the previous academic year till 11.06.2004.

In the light of the above circumstances, the writ petition is allowed in part. The notification issued by the third respondent dated 28.09.2004 to the extent of calling the petitioner for interview is set aside. The third respondent shall follow the instructions of the Government Memo.No.2946/IE.1/2004-2 dated 10.09.2004 and pass appropriate orders regarding the appointment of the petitioner for the purpose of Contract Junior Lecturer in Botany for the academic year 2004-2005.

Dr. G.YETHIRAJULU, J

October 4, 2004

Dsk

Note:

Issue copy by Wire at party's cost.

(B/o)

Dsk

To

- 1 The Govt of A.P., rep. by its Principle Secretary,
Higher Education Department, Secretariat, Building Hyd.
 - 2 The Director of Intermediate Education, Nampally, Hyderabad.
 - 3 The Junior Govt College for Boys, Jammalamadugu, Kadapa District.
rep. by its Principal.
 - 4 Two CCs to GP For Higher Education, High Court Buildings, Hyderabad
- (OUT).
- 5 Two CD copies.